

Senate Amendments to House Bill No. 424

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10 **SECTION 1.** The Audiology and Speech-Language Pathology
11 Interstate Compact is enacted into law and entered into by this
12 state with any and all states legally joining in the Compact in
13 accordance with its terms, in the form substantially as follows:

14 **AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT**

15 **SECTION 1.**

16 **PURPOSE**

17 The purpose of this Compact is to facilitate interstate
18 practice of audiology and speech-language pathology with the goal
19 of improving public access to audiology and speech-language
20 pathology services. The practice of audiology and speech-language
21 pathology occurs in the state where the patient/client/student is
22 located at the time of the patient/client/student encounter. The
23 Compact preserves the regulatory authority of states to protect
24 public health and safety through the current system of state
25 licensure.

26 This Compact is designed to achieve the following objectives:

- 27 1. Increase public access to audiology and
28 speech-language pathology services by providing for the mutual
29 recognition of other member state licenses;
- 30 2. Enhance the states' ability to protect the public's
31 health and safety;
- 32 3. Encourage the cooperation of member states in
33 regulating multistate audiology and speech-language pathology
34 practice;
- 35 4. Support spouses of relocating active duty military
36 personnel;
- 37 5. Enhance the exchange of licensure, investigative and
38 disciplinary information between member states;
- 39 6. Allow a remote state to hold a provider of services
40 with a compact privilege in that state accountable to that state's
41 practice standards; and
- 42 7. Allow for the use of telehealth technology to
43 facilitate increased access to audiology and speech-language
44 pathology services.

45 **SECTION 2.**

46 **DEFINITIONS**

47 As used in this Compact, and except as otherwise provided,
48 the following definitions shall apply:

- 49 1. "Active duty military" means full-time duty status
50 in the active uniformed service of the United States, including
51 members of the National Guard and Reserve on active duty orders
52 pursuant to 10 USC Chapters 1209 and 1211.

53 2. "Adverse action" means any administrative, civil,
54 equitable or criminal action permitted by a state's laws which is
55 imposed by a licensing board or other authority against an
56 audiologist or speech-language pathologist, including actions
57 against an individual's license or privilege to practice such as
58 revocation, suspension, probation, monitoring of the licensee, or
59 restriction on the licensee's practice.

60 3. "Alternative program" means a nondisciplinary
61 monitoring process approved by an audiology or speech-language
62 pathology licensing board to address impaired practitioners.

63 4. "Audiologist" means an individual who is licensed by
64 a state to practice audiology.

65 5. "Audiology" means the care and services provided by
66 a licensed audiologist as set forth in the member state's statutes
67 and rules.

68 6. "Audiology and Speech-Language Pathology Compact
69 Commission" or "Commission" means the national administrative body
70 whose membership consists of all states that have enacted the
71 Compact.

72 7. "Audiology and speech-language pathology licensing
73 board," "audiology licensing board," "speech-language pathology
74 licensing board," or "licensing board" means the agency of a state
75 that is responsible for the licensing and regulation of
76 audiologists and/or speech-language pathologists.

77 8. "Compact privilege" means the authorization granted
78 by a remote state to allow a licensee from another member state to

79 practice as an audiologist or speech-language pathologist in the
80 remote state under its laws and rules. The practice of audiology
81 or speech-language pathology occurs in the member state where the
82 patient/client/student is located at the time of the
83 patient/client/student encounter.

84 9. "Current significant investigative information"
85 means investigative information that a licensing board, after an
86 inquiry or investigation that includes notification and an
87 opportunity for the audiologist or speech-language pathologist to
88 respond, if required by state law, has reason to believe is not
89 groundless and, if proved true, would indicate more than a minor
90 infraction.

91 10. "Data system" means a repository of information
92 about licensees, including, but not limited to, continuing
93 education, examination, licensure, investigative, compact
94 privilege and adverse action.

95 11. "Encumbered license" means a license in which an
96 adverse action restricts the practice of audiology or
97 speech-language pathology by the licensee and the adverse action
98 has been reported to the National Practitioners Data Bank (NPDB).

99 12. "Executive Committee" means a group of directors
100 elected or appointed to act on behalf of, and within the powers
101 granted to them by, the Commission.

102 13. "Home state" means the member state that is the
103 licensee's primary state of residence.

104 14. "Impaired practitioner" means individuals whose
105 professional practice is adversely affected by substance abuse,
106 addiction, or other health-related conditions.

107 15. "Licensee" means an individual who currently holds
108 an authorization from the state licensing board to practice as an
109 audiologist or speech-language pathologist.

110 16. "Member state" means a state that has enacted the
111 Compact.

112 17. "Privilege to practice" means a legal authorization
113 permitting the practice of audiology or speech-language pathology
114 in a remote state.

115 18. "Remote state" means a member state other than the
116 home state where a licensee is exercising or seeking to exercise
117 the compact privilege.

118 19. "Rule" means a regulation, principle or directive
119 promulgated by the Commission that has the force of law.

120 20. "Single-state license" means an audiology or
121 speech-language pathology license issued by a member state that
122 authorizes practice only within the issuing state and does not
123 include a privilege to practice in any other member state.

124 21. "Speech-language pathologist" means an individual
125 who is licensed by a state to practice speech-language pathology.

126 22. "Speech-language pathology" means the care and
127 services provided by a licensed speech-language pathologist as set
128 forth in the member state's statutes and rules.

129 23. "State" means any state, commonwealth, district or
130 territory of the United States of America that regulates the
131 practice of audiology and speech-language pathology.

132 24. "State practice laws" means a member state's laws,
133 rules and regulations that govern the practice of audiology or
134 speech-language pathology, define the scope of audiology or
135 speech-language pathology practice, and create the methods and
136 grounds for imposing discipline.

137 25. "Telehealth" means the application of
138 telecommunication, audio-visual or other technologies that meet
139 the applicable standard of care to deliver audiology or
140 speech-language pathology services at a distance for assessment,
141 intervention and/or consultation.

142 **SECTION 3.**

143 **STATE PARTICIPATION IN THE COMPACT**

144 A. A license issued to an audiologist or speech-language
145 pathologist by a home state to a resident in that state shall be
146 recognized by each member state as authorizing an audiologist or
147 speech-language pathologist to practice audiology or
148 speech-language pathology, under a privilege to practice, in each
149 member state where the licensee obtains such a privilege.

150 B. A state must implement or utilize procedures for
151 considering the criminal history records of applicants for initial
152 privilege to practice. These procedures shall include the
153 submission of fingerprints or other biometric-based information by
154 applicants for the purpose of obtaining an applicant's criminal

155 history record information from the Federal Bureau of
156 Investigation and the agency responsible for retaining that
157 state's criminal records.

158 1. A member state must fully implement a criminal
159 background check requirement, within a time frame established by
160 rule, by receiving the results of the Federal Bureau of
161 Investigation record search on criminal background checks and use
162 the results in making licensure decisions.

163 2. Communication between a member state, the Commission
164 and among member states regarding the verification of eligibility
165 for licensure through the Compact shall not include any
166 information received from the Federal Bureau of Investigation
167 relating to a federal criminal records check performed by a member
168 state under Public Law 92-544.

169 C. Upon application for a privilege to practice, the
170 licensing board in the issuing remote state shall ascertain,
171 through the data system, whether the applicant has ever held, or
172 is the holder of, a license issued by any other state, whether
173 there are any encumbrances on any license or privilege to practice
174 held by the applicant, whether any adverse action has been taken
175 against any license or privilege to practice held by the
176 applicant.

177 D. Each member state shall require an applicant to obtain or
178 retain a license in the home state and meet the home state's
179 qualifications for licensure or renewal of licensure, as well as,
180 all other applicable state laws.

181 E. For an audiologist:

182 1. Must meet one (1) of the following educational
183 requirements:

184 a. On or before December 31, 2007, has graduated
185 with a master's degree or doctorate in audiology, or equivalent
186 degree regardless of degree name, from a program that is
187 accredited by an accrediting agency recognized by the Council for
188 Higher Education Accreditation, or its successor, or by the United
189 States Department of Education and operated by a college or
190 university accredited by a regional or national accrediting
191 organization recognized by the board; or

192 b. On or after January 1, 2008, has graduated with
193 a doctoral degree in audiology, or equivalent degree, regardless
194 of degree name, from a program that is accredited by an
195 accrediting agency recognized by the Council for Higher Education
196 Accreditation, or its successor, or by the United States
197 Department of Education and operated by a college or university
198 accredited by a regional or national accrediting organization
199 recognized by the board; or

200 c. Has graduated from an audiology program that is
201 housed in an institution of higher education outside of the United
202 States (a) for which the program and institution have been
203 approved by the authorized accrediting body in the applicable
204 country and (b) the degree program has been verified by an
205 independent credentials review agency to be comparable to a state
206 licensing board-approved program;

207 2. Has completed a supervised clinical practicum
208 experience from an accredited educational institution or its
209 cooperating programs as required by the Commission;

210 3. Has successfully passed a national examination
211 approved by the Commission;

212 4. Holds an active, unencumbered license;

213 5. Has not been convicted or found guilty, and has not
214 entered into an agreed disposition, of a felony related to the
215 practice of audiology, under applicable state or federal criminal
216 law; and

217 6. Has a valid United States Social Security or
218 National Practitioner Identification number.

219 F. For a speech-language pathologist:

220 1. Must meet one (1) of the following educational
221 requirements:

222 a. Has graduated with a master's degree from a
223 speech-language pathology program that is accredited by an
224 organization recognized by the United States Department of
225 Education and operated by a college or university accredited by a
226 regional or national accrediting organization recognized by the
227 board; or

228 b. Has graduated from a speech-language pathology
229 program that is housed in an institution of higher education
230 outside of the United States (a) for which the program and
231 institution have been approved by the authorized accrediting body
232 in the applicable country and (b) the degree program has been

233 verified by an independent credentials review agency to be
234 comparable to a state-licensing board-approved program;

235 2. Has completed a supervised clinical practicum
236 experience from an educational institution or its cooperating
237 programs as required by the Commission;

238 3. Has completed a supervised postgraduate professional
239 experience as required by the Commission;

240 4. Has successfully passed a national examination
241 approved by the Commission;

242 5. Holds an active, unencumbered license;

243 6. Has not been convicted or found guilty, and has not
244 entered into an agreed disposition, of a felony related to the
245 practice of speech-language pathology, under applicable state or
246 federal criminal law; and

247 7. Has a valid United States Social Security or
248 National Practitioner Identification number.

249 G. The privilege to practice is derived from the home state
250 license.

251 H. An audiologist or speech-language pathologist practicing
252 in a member state must comply with the state practice laws of the
253 state in which the client is located at the time service is
254 provided. The practice of audiology and speech-language pathology
255 shall include all audiology and speech-language pathology practice
256 as defined by the state practice laws of the member state in which
257 the client is located. The practice of audiology and
258 speech-language pathology in a member state under a privilege to

259 practice shall subject an audiologist or speech-language
260 pathologist to the jurisdiction of the licensing board, the courts
261 and the laws of the member state in which the client is located at
262 the time service is provided.

263 I. Individuals not residing in a member state shall continue
264 to be able to apply for a member state's single-state license as
265 provided under the laws of each member state. However, the
266 single-state license granted to these individuals shall not be
267 recognized as granting the privilege to practice audiology or
268 speech-language pathology in any other member state. Nothing in
269 this Compact shall affect the requirements established by a member
270 state for the issuance of a single-state license.

271 J. Member states may charge a fee for granting a compact
272 privilege.

273 K. Member states must comply with the bylaws and rules and
274 regulations of the Commission.

275 **SECTION 4.**

276 **COMPACT PRIVILEGE**

277 A. To exercise the compact privilege under the terms and
278 provisions of the Compact, the audiologist or speech-language
279 pathologist shall:

- 280 1. Hold an active license in the home state;
- 281 2. Have no encumbrance on any state license;
- 282 3. Be eligible for a compact privilege in any member
283 state in accordance with Section 3 of this Compact;

284 4. Have not had any adverse action against any license
285 or compact privilege within the previous two (2) years from date
286 of application;

287 5. Notify the Commission that the licensee is seeking
288 the compact privilege within a remote state(s);

289 6. Pay any applicable fees, including any state fee,
290 for the compact privilege; and

291 7. Report to the Commission adverse action taken by any
292 nonmember state within thirty (30) days from the date the adverse
293 action is taken.

294 B. For the purposes of the compact privilege, an audiologist
295 or speech-language pathologist shall only hold one (1) home state
296 license at a time.

297 C. Except as provided in Section 6 of this Compact, if an
298 audiologist or speech-language pathologist changes primary state
299 of residence by moving between two-member states, the audiologist
300 or speech-language pathologist must apply for licensure in the new
301 home state, and the license issued by the prior home state shall
302 be deactivated in accordance with applicable rules adopted by the
303 Commission.

304 D. The audiologist or speech-language pathologist may apply
305 for licensure in advance of a change in primary state of
306 residence.

307 E. A license shall not be issued by the new home state until
308 the audiologist or speech-language pathologist provides
309 satisfactory evidence of a change in primary state of residence to

310 the new home state and satisfies all applicable requirements to
311 obtain a license from the new home state.

312 F. If an audiologist or speech-language pathologist changes
313 primary state of residence by moving from a member state to a
314 nonmember state, the license issued by the prior home state shall
315 convert to a single-state license, valid only in the former home
316 state and the privilege to practice in any member state is
317 deactivated in accordance with the rules promulgated by the
318 Commission.

319 G. The compact privilege is valid until the expiration date
320 of the home state license. The licensee must comply with the
321 requirements of subsection A of this section to maintain the
322 compact privilege in the remote state.

323 H. A licensee providing audiology or speech-language
324 pathology services in a remote state under the compact privilege
325 shall function within the laws and regulations of the remote
326 state.

327 I. A licensee providing audiology or speech-language
328 pathology services in a remote state is subject to that state's
329 regulatory authority. A remote state may, in accordance with due
330 process and that state's laws, remove a licensee's compact
331 privilege in the remote state for a specific period of time,
332 impose fines, and/or take any other necessary actions to protect
333 the health and safety of its citizens.

334 J. If a home state license is encumbered, the licensee shall
335 lose the compact privilege in any remote state until the following
336 occur:

- 337 1. The home state license is no longer encumbered; and
- 338 2. Two (2) years have elapsed from the date of the
339 adverse action.

340 K. Once an encumbered license in the home state is restored
341 to good standing, the licensee must meet the requirements of
342 subsection A of this section to obtain a compact privilege in any
343 remote state.

344 L. Once the requirements of subsection J of this section
345 have been met, the licensee must meet the requirements in
346 subsection A of this section to obtain a compact privilege in a
347 remote state.

348 SECTION 5.

349 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

350 A. Member states shall recognize the right of an audiologist
351 or speech-language pathologist, licensed by a home state in
352 accordance with Section 3 of this Compact and under rules
353 promulgated by the Commission, to practice audiology or
354 speech-language pathology in any member state via telehealth under
355 a privilege to practice as provided in the Compact and rules
356 promulgated by the Commission.

357 B. A licensee providing audiology or speech-language
358 pathology services in a remote state under the compact privilege

359 shall function within the laws and regulations of the state where
360 the patient/client is located.

361 **SECTION 6.**

362 **ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

363 Active duty military personnel, or their spouse, shall
364 designate a home state where the individual has a current license
365 in good standing. The individual may retain the home state
366 designation during the period the service member is on active
367 duty. Subsequent to designating a home state, the individual
368 shall only change their home state through application for
369 licensure in the new state.

370 **SECTION 7.**

371 **ADVERSE ACTIONS**

372 A. In addition to the other powers conferred by state law, a
373 remote state shall have the authority, in accordance with existing
374 state due process law, to:

375 1. Take adverse action against an audiologist's or
376 speech-language pathologist's privilege to practice within that
377 member state.

378 2. Issue subpoenas for both hearings and investigations
379 that require the attendance and testimony of witnesses as well as
380 the production of evidence. Subpoenas issued by a licensing board
381 in a member state for the attendance and testimony of witnesses or
382 the production of evidence from another member state shall be
383 enforced in the latter state by any court of competent
384 jurisdiction, according to the practice and procedure of that

385 court applicable to subpoenas issued in proceedings pending before
386 it. The issuing authority shall pay any witness fees, travel
387 expenses, mileage and other fees required by the service statutes
388 of the state in which the witnesses or evidence are located.

389 3. Only the home state shall have the power to take
390 adverse action against a audiologist's or speech-language
391 pathologist's license issued by the home state.

392 B. For purposes of taking adverse action, the home state
393 shall give the same priority and effect to reported conduct
394 received from a member state as it would if the conduct had
395 occurred within the home state. In so doing, the home state shall
396 apply its own state laws to determine appropriate action.

397 C. The home state shall complete any pending investigations
398 of an audiologist or speech-language pathologist who changes
399 primary state of residence during the course of the
400 investigations. The home state shall also have the authority to
401 take appropriate action(s) and shall promptly report the
402 conclusions of the investigations to the administrator of the data
403 system. The administrator of the data system shall promptly
404 notify the new home state of any adverse actions.

405 D. If otherwise permitted by state law, the member state may
406 recover from the affected audiologist or speech-language
407 pathologist the costs of investigations and disposition of cases
408 resulting from any adverse action taken against that audiologist
409 or speech-language pathologist.

410 E. The member state may take adverse action based on the
411 factual findings of the remote state, provided that the member
412 state follows the member state's own procedures for taking the
413 adverse action.

414 F. Joint investigations.

415 1. In addition to the authority granted to a member
416 state by its respective audiology or speech-language pathology
417 practice act or other applicable state law, any member state may
418 participate with other member states in joint investigations of
419 licensees.

420 2. Member states shall share any investigative,
421 litigation, or compliance materials in furtherance of any joint or
422 individual investigation initiated under the Compact.

423 G. If adverse action is taken by the home state against an
424 audiologist's or speech language pathologist's license, the
425 audiologist's or speech-language pathologist's privilege to
426 practice in all other member states shall be deactivated until all
427 encumbrances have been removed from the state license. All home
428 state disciplinary orders that impose adverse action against an
429 audiologist's or speech language pathologist's license shall
430 include a statement that the audiologist's or speech-language
431 pathologist's privilege to practice is deactivated in all member
432 states during the pendency of the order.

433 H. If a member state takes adverse action against a
434 licensee, it shall promptly notify the administrator of the data
435 system. The administrator of the data system shall promptly

436 notify the home state and any remote states in which the licensee
437 has a privilege to practice of any adverse actions by the home
438 state or remote states.

439 I. Nothing in this Compact shall override a member state's
440 decision that participation in an alternative program may be used
441 in lieu of adverse action.

442 **SECTION 8.**

443 **ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**
444 **COMPACT COMMISSION**

445 A. The Compact member states hereby create and establish a
446 joint public agency known as the Audiology and Speech-Language
447 Pathology Compact Commission:

448 1. The Commission is an instrumentality of the Compact
449 states.

450 2. Venue is proper and judicial proceedings by or
451 against the Commission shall be brought solely and exclusively in
452 a court of competent jurisdiction where the principal office of
453 the Commission is located. The Commission may waive venue and
454 jurisdictional defenses to the extent it adopts or consents to
455 participate in alternative dispute resolution proceedings.

456 3. Nothing in this Compact shall be construed to be a
457 waiver of sovereign immunity.

458 B. Membership, voting and meetings.

459 1. Each member state shall have two (2) delegates
460 selected by that member state's licensing board. The delegates

461 shall be current members of the licensing board. One (1) shall be
462 an audiologist and one (1) shall be a speech-language pathologist.

463 2. An additional five (5) delegates, who are either a
464 public member or board administrator from a state licensing board,
465 shall be chosen by the Executive Committee from a pool of nominees
466 provided by the Commission at Large.

467 3. Any delegate may be removed or suspended from office
468 as provided by the law of the state from which the delegate is
469 appointed.

470 4. The member state licensing board shall fill any
471 vacancy occurring on the Commission, within ninety (90) days.

472 5. Each delegate shall be entitled to one (1) vote with
473 regard to the promulgation of rules and creation of bylaws and
474 shall otherwise have an opportunity to participate in the business
475 and affairs of the Commission.

476 6. A delegate shall vote in person or by other means as
477 provided in the bylaws. The bylaws may provide for delegates'
478 participation in meetings by telephone or other means of
479 communication.

480 7. The Commission shall meet at least once during each
481 calendar year. Additional meetings shall be held as set forth in
482 the bylaws.

483 C. The Commission shall have the following powers and
484 duties:

- 485 1. Establish the fiscal year of the Commission;
486 2. Establish bylaws;

- 487 3. Establish a Code of Ethics;
- 488 4. Maintain its financial records in accordance with
489 the bylaws;
- 490 5. Meet and take actions as are consistent with the
491 provisions of this Compact and the bylaws;
- 492 6. Promulgate uniform rules to facilitate and
493 coordinate implementation and administration of this Compact. The
494 rules shall have the force and effect of law and shall be binding
495 in all member states to the extent and in the manner provided for
496 in the Compact;
- 497 7. Bring and prosecute legal proceedings or actions in
498 the name of the Commission, provided that the standing of any
499 state audiology or speech-language pathology licensing board to
500 sue or be sued under applicable law shall not be affected;
- 501 8. Purchase and maintain insurance and bonds;
- 502 9. Borrow, accept, or contract for services of
503 personnel, including, but not limited to, employees of a member
504 state;
- 505 10. Hire employees, elect or appoint officers, fix
506 compensation, define duties, grant individuals appropriate
507 authority to carry out the purposes of the Compact, and to
508 establish the Commission's personnel policies and programs
509 relating to conflicts of interest, qualifications of personnel,
510 and other related personnel matters;
- 511 11. Accept any and all appropriate donations and grants
512 of money, equipment, supplies, materials and services, and to

513 receive, utilize and dispose of the same; provided that at all
514 times the Commission shall avoid any appearance of impropriety
515 and/or conflict of interest;

516 12. Lease, purchase, accept appropriate gifts or
517 donations of, or otherwise to own, hold, improve or use, any
518 property, real, personal or mixed; provided that at all times the
519 Commission shall avoid any appearance of impropriety;

520 13. Sell convey, mortgage, pledge, lease, exchange,
521 abandon, or otherwise dispose of any property real, personal, or
522 mixed;

523 14. Establish a budget and make expenditures;

524 15. Borrow money;

525 16. Appoint committees, including standing committees
526 composed of members, and other interested persons as may be
527 designated in this Compact and the bylaws;

528 17. Provide and receive information from, and cooperate
529 with, law enforcement agencies;

530 18. Establish and elect an Executive Committee; and

531 19. Perform other functions as may be necessary or
532 appropriate to achieve the purposes of this Compact consistent
533 with the state regulation of audiology and speech-
534 language pathology licensure and practice.

535 D. The Commission shall have no authority to change or
536 modify the laws of the member states that define the practice of
537 audiology and speech-language pathology in the respective states.

538 E. The Executive Committee.

539 The Executive Committee shall have the power to act on behalf
540 of the Commission, within the powers of the Commission, according
541 to the terms of this Compact:

542 1. The Executive Committee shall be composed of ten
543 (10) members:

544 a. Seven (7) voting members who are elected by the
545 Commission from the current membership of the Commission;

546 b. Two (2) ex officio members, consisting of one
547 (1) nonvoting member from a recognized national audiology
548 professional association and one (1) nonvoting member from a
549 recognized national speech-language pathology association; and

550 c. One (1) ex officio, nonvoting member from the
551 recognized membership organization of the audiology and
552 speech-language pathology licensing boards.

553 F. The ex officio members shall be selected by their
554 respective organizations.

555 1. The Commission may remove any member of the
556 Executive Committee as provided in the bylaws.

557 2. The Executive Committee shall meet at least
558 annually.

559 3. The Executive Committee shall have the following
560 duties and responsibilities:

561 a. Recommend to the entire Commission changes to
562 the rules or bylaws, changes to this Compact legislation, fees
563 paid by Compact member states such as annual dues, and any

564 Commission Compact fee charged to licensees for the compact
565 privilege;

566 b. Ensure Compact administration services are
567 appropriately provided, contractual or otherwise;

568 c. Prepare and recommend the budget;

569 d. Maintain financial records on behalf of the
570 Commission;

571 e. Monitor Compact compliance of member states and
572 provide compliance reports to the Commission;

573 f. Establish additional committees as necessary;

574 and

575 g. Other duties as provided in rules or bylaws.

576 4. Meetings of the Commission or the Executive
577 Committee.

578 All meetings shall be open to the public, and public notice
579 of meetings shall be given in the same manner as required under
580 the rulemaking provisions in Section 10 of this Compact.

581 5. The Commission or the Executive Committee or other
582 committees of the Commission may convene in a closed, nonpublic
583 meeting if the Commission or Executive Committee or other
584 committees of the Commission must discuss:

585 a. Noncompliance of a member state with its
586 obligations under the Compact;

587 b. The employment, compensation, discipline or
588 other matters, practices or procedures related to specific

589 employees or other matters related to the Commission's internal
590 personnel practices and procedures;

591 c. Current, threatened, or reasonably anticipated
592 litigation;

593 d. Negotiation of contracts for the purchase,
594 lease, or sale of goods, services, or real estate;

595 e. Accusing any person of a crime or formally
596 censuring any person;

597 f. Disclosure of trade secrets or commercial or
598 financial information that is privileged or confidential;

599 g. Disclosure of information of a personal nature
600 where disclosure would constitute a clearly unwarranted invasion
601 of personal privacy;

602 h. Disclosure of investigative records compiled
603 for law enforcement purposes;

604 i. Disclosure of information related to any
605 investigative reports prepared by or on behalf of or for use of
606 the Commission or other committee charged with responsibility of
607 investigation or determination of compliance issues pursuant to
608 the Compact; or

609 j. Matters specifically exempted from disclosure
610 by federal or member state statute.

611 6. If a meeting, or portion of a meeting, is closed
612 pursuant to this provision, the Commission's legal counsel or
613 designee shall certify that the meeting may be closed and shall
614 reference each relevant exempting provision.

615 7. The Commission shall keep minutes that fully and
616 clearly describe all matters discussed in a meeting and shall
617 provide a full and accurate summary of actions taken, and the
618 reasons therefor, including a description of the views expressed.
619 All documents considered in connection with an action shall be
620 identified in such minutes. All minutes and documents of meetings
621 other than closed meetings shall be made available to members of
622 the public upon request at the requesting person's expense. All
623 minutes and documents of a closed meeting shall remain under seal,
624 subject to release by a majority vote of the Commission or order
625 of a court of competent jurisdiction.

626 8. Financing of the Commission.

627 a. The Commission shall pay, or provide for the
628 payment of, the reasonable expenses of its establishment,
629 organization, and ongoing activities.

630 b. The Commission may accept any and all
631 appropriate revenue sources, donations, and grants of money,
632 equipment, supplies, materials, and services.

633 c. The Commission may levy on and collect an
634 annual assessment from each member state or impose fees on other
635 parties to cover the cost of the operations and activities of the
636 Commission and its staff, which must be in a total amount
637 sufficient to cover its annual budget as approved each year for
638 which revenue is not provided by other sources. The aggregate
639 annual assessment amount shall be allocated based upon a formula

640 to be determined by the Commission, which shall promulgate a rule
641 binding upon all member states.

642 9. The Commission shall not incur obligations of any
643 kind prior to securing the funds adequate to meet the same; nor
644 shall the Commission pledge the credit of any of the member
645 states, except by and with the authority of the member state.

646 10. The Commission shall keep accurate accounts of all
647 receipts and disbursements. The receipts and disbursements of the
648 Commission shall be subject to the audit and accounting procedures
649 established under its bylaws. However, all receipts and
650 disbursements of funds handled by the Commission shall be audited
651 yearly by a certified or licensed public accountant, and the
652 report of the audit shall be included in and become part of the
653 annual report of the Commission.

654 G. Qualified immunity, defense, and indemnification.

655 1. The members, officers, executive director, employees
656 and representatives of the Commission shall be immune from suit
657 and liability, either personally or in their official capacity,
658 for any claim for damage to or loss of property or personal injury
659 or other civil liability caused by or arising out of any actual or
660 alleged act, error or omission that occurred, or that the person
661 against whom the claim is made had a reasonable basis for
662 believing occurred within the scope of Commission employment,
663 duties or responsibilities; provided that nothing in this
664 paragraph shall be construed to protect any person from suit

665 and/or liability for any damage, loss, injury, or liability caused
666 by the intentional or willful or wanton misconduct of that person.

667 2. The Commission shall defend any member, officer,
668 executive director, employee or representative of the Commission
669 in any civil action seeking to impose liability arising out of any
670 actual or alleged act, error, or omission that occurred within the
671 scope of Commission employment, duties, or responsibilities, or
672 that the person against whom the claim is made had a reasonable
673 basis for believing occurred within the scope of Commission
674 employment, duties, or responsibilities; provided that nothing
675 herein shall be construed to prohibit that person from retaining
676 his or her own counsel; and provided further, that the actual or
677 alleged act, error, or omission did not result from that person's
678 intentional or willful or wanton misconduct.

679 3. The Commission shall indemnify and hold harmless any
680 member, officer, executive director, employee, or representative
681 of the Commission for the amount of any settlement or judgment
682 obtained against that person arising out of any actual or alleged
683 act, error or omission that occurred within the scope of
684 Commission employment, duties, or responsibilities, or that such
685 person had a reasonable basis for believing occurred within the
686 scope of Commission employment, duties, or responsibilities,
687 provided that the actual or alleged act, error, or omission did
688 not result from the intentional or willful or wanton misconduct of
689 that person.

690 **SECTION 9.**

691 **DATA SYSTEM**

692 A. The Commission shall provide for the development,
693 maintenance, and utilization of a coordinated database and
694 reporting system containing licensure, adverse action, and
695 investigative information on all licensed individuals in member
696 states.

697 B. Notwithstanding any other provision of state law to the
698 contrary, a member state shall submit a uniform data set to the
699 data system on all individuals to whom this Compact is applicable
700 as required by the rules of the Commission, including:

- 701 1. Identifying information;
- 702 2. Licensure data;
- 703 3. Adverse actions against a license or compact
704 privilege;
- 705 4. Nonconfidential information related to alternative
706 program participation;
- 707 5. Any denial of application for licensure, and the
708 reason(s) for denial; and
- 709 6. Other information that may facilitate the
710 administration of this Compact, as determined by the rules of the
711 Commission.

712 C. Investigative information pertaining to a licensee in any
713 member state shall only be available to other member states.

714 D. The Commission shall promptly notify all member states of
715 any adverse action taken against a licensee or an individual
716 applying for a license. Adverse action information pertaining to

717 a licensee in any member state shall be available to any other
718 member state.

719 E. Member states contributing information to the data system
720 may designate information that may not be shared with the public
721 without the express permission of the contributing state.

722 F. Any information submitted to the data system that is
723 subsequently required to be expunged by the laws of the member
724 state contributing the information shall be removed from the data
725 system.

726 **SECTION 10.**

727 **RULEMAKING**

728 A. The Commission shall exercise its rulemaking powers
729 pursuant to the criteria set forth in this section and the rules
730 adopted under this section. Rules and amendments shall become
731 binding as of the date specified in each rule or amendment.

732 B. If a majority of the legislatures of the member states
733 rejects a rule, by enactment of a statute or resolution in the
734 same manner used to adopt the Compact within four (4) years of the
735 date of adoption of the rule, the rule shall have no further force
736 and effect in any member state.

737 C. Rules or amendments to the rules shall be adopted at a
738 regular or special meeting of the Commission.

739 D. Prior to promulgation and adoption of a final rule or
740 rules by the Commission, and at least thirty (30) days in advance
741 of the meeting at which the rule shall be considered and voted
742 upon, the Commission shall file a Notice of Proposed Rulemaking:

743 1. On the website of the Commission or other publicly
744 accessible platform; and

745 2. On the website of each member state audiology or
746 speech-language pathology licensing board or other publicly
747 accessible platform or the publication in which each state would
748 otherwise publish proposed rules.

749 E. The Notice of Proposed Rulemaking shall include:

750 1. The proposed time, date, and location of the meeting
751 in which the rule shall be considered and voted upon;

752 2. The text of the proposed rule or amendment and the
753 reason for the proposed rule;

754 3. A request for comments on the proposed rule from any
755 interested person; and

756 4. The manner in which interested persons may submit
757 notice to the Commission of their intention to attend the public
758 hearing and any written comments.

759 F. Prior to the adoption of a proposed rule, the Commission
760 shall allow persons to submit written data, facts, opinions and
761 arguments, which shall be made available to the public.

762 G. The Commission shall grant an opportunity for a public
763 hearing before it adopts a rule or amendment if a hearing is
764 requested by:

765 1. At least twenty-five (25) persons;

766 2. A state or federal governmental subdivision or
767 agency; or

768 3. An association having at least twenty-five (25)
769 members.

770 H. If a hearing is held on the proposed rule or amendment,
771 the Commission shall publish the place, time, and date of the
772 scheduled public hearing. If the hearing is held via electronic
773 means, the Commission shall publish the mechanism for access to
774 the electronic hearing.

775 1. All persons wishing to be heard at the hearing shall
776 notify the Executive Director of the Commission or other
777 designated member in writing of their desire to appear and testify
778 at the hearing not less than five (5) business days before the
779 scheduled date of the hearing.

780 2. Hearings shall be conducted in a manner providing
781 each person who wishes to comment a fair and reasonable
782 opportunity to comment orally or in writing.

783 3. All hearings shall be recorded. A copy of the
784 recording shall be made available to any person upon request and
785 at the requesting person's expense.

786 4. Nothing in this section shall be construed as
787 requiring a separate hearing on each rule. Rules may be grouped
788 for the convenience of the Commission at hearings required by this
789 section.

790 I. Following the scheduled hearing date, or by the close of
791 business on the scheduled hearing date if the hearing was not
792 held, the Commission shall consider all written and oral comments
793 received.

794 J. If no written notice of intent to attend the public
795 hearing by interested parties is received, the Commission may
796 proceed with promulgation of the proposed rule without a public
797 hearing.

798 K. The Commission shall, by majority vote of all members,
799 take final action on the proposed rule and shall determine the
800 effective date of the rule, if any, based on the rulemaking record
801 and the full text of the rule.

802 L. Upon determination that an emergency exists, the
803 Commission may consider and adopt an emergency rule without prior
804 notice, opportunity for comment, or hearing, provided that the
805 usual rulemaking procedures provided in the Compact and in this
806 section shall be retroactively applied to the rule as soon as
807 reasonably possible, in no event later than ninety (90) days after
808 the effective date of the rule. For the purposes of this
809 provision, an emergency rule is one that must be adopted
810 immediately in order to:

811 1. Meet an imminent threat to public health, safety, or
812 welfare;

813 2. Prevent a loss of Commission or member state funds;

814 or

815 3. Meet a deadline for the promulgation of an
816 administrative rule that is established by federal law or rule.

817 M. The Commission or an authorized committee of the
818 Commission may direct revisions to a previously adopted rule or
819 amendment for purposes of correcting typographical errors, errors

820 in format, errors in consistency, or grammatical errors. Public
821 notice of any revisions shall be posted on the website of the
822 Commission. The revision shall be subject to challenge by any
823 person for a period of thirty (30) days after posting. The
824 revision may be challenged only on grounds that the revision
825 results in a material change to a rule. A challenge shall be made
826 in writing and delivered to the Chair of the Commission prior to
827 the end of the notice period. If no challenge is made, the
828 revision shall take effect without further action. If the
829 revision is challenged, the revision may not take effect without
830 the approval of the Commission.

831 **SECTION 11.**

832 **OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

833 A. Dispute resolution.

834 1. Upon request by a member state, the Commission shall
835 attempt to resolve disputes related to the Compact that arise
836 among member states and between member and nonmember states.

837 2. The Commission shall promulgate a rule providing for
838 both mediation and binding dispute resolution for disputes as
839 appropriate.

840 B. Enforcement.

841 1. The Commission, in the reasonable exercise of its
842 discretion, shall enforce the provisions and rules of this
843 Compact.

844 2. By majority vote, the Commission may initiate legal
845 action in the United States District Court for the District of

846 Columbia or the federal district where the Commission has its
847 principal offices against a member state in default to enforce
848 compliance with the provisions of the Compact and its promulgated
849 rules and bylaws. The relief sought may include both injunctive
850 relief and damages. In the event judicial enforcement is
851 necessary, the prevailing member shall be awarded all costs of
852 litigation, including reasonable attorney's fees.

853 3. The remedies herein shall not be the exclusive
854 remedies of the Commission. The Commission may pursue any other
855 remedies available under federal or state law.

856 **SECTION 12.**

857 **DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY**
858 **AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES,**
859 **WITHDRAWAL, AND AMENDMENT**

860 A. The Compact shall come into effect on the date on which
861 the Compact statute is enacted into law in the tenth (10th) member
862 state. The provisions, which become effective at that time, shall
863 be limited to the powers granted to the Commission relating to
864 assembly and the promulgation of rules. Thereafter, the
865 Commission shall meet and exercise rulemaking powers necessary to
866 the implementation and administration of the Compact.

867 B. Any state that joins the Compact subsequent to the
868 Commission's initial adoption of the rules shall be subject to the
869 rules as they exist on the date on which the Compact becomes law
870 in that state. Any rule that has been previously adopted by the

871 Commission shall have the full force and effect of law on the day
872 the Compact becomes law in that state.

873 C. Any member state may withdraw from this Compact by
874 enacting a statute repealing the same.

875 1. A member state's withdrawal shall not take effect
876 until six (6) months after enactment of the repealing statute.

877 2. Withdrawal shall not affect the continuing
878 requirement of the withdrawing state's audiology or
879 speech-language pathology licensing board to comply with the
880 investigative and adverse action reporting requirements of this
881 act prior to the effective date of withdrawal.

882 D. Nothing contained in this Compact shall be construed to
883 invalidate or prevent any audiology or speech-language pathology
884 licensure agreement or other cooperative arrangement between a
885 member state and a nonmember state that does not conflict with the
886 provisions of this Compact.

887 E. This Compact may be amended by the member states. No
888 amendment to this Compact shall become effective and binding upon
889 any member state until it is enacted into the laws of all member
890 states.

891 SECTION 13.

892 CONSTRUCTION AND SEVERABILITY

893 This Compact shall be liberally construed so as to effectuate
894 the purposes thereof. The provisions of this Compact shall be
895 severable and if any phrase, clause, sentence or provision of this
896 Compact is declared to be contrary to the constitution of any

897 member state or of the United States or the applicability thereof
898 to any government, agency, person or circumstance is held invalid,
899 the validity of the remainder of this Compact and the
900 applicability thereof to any government, agency, person or
901 circumstance shall not be affected thereby. If this Compact shall
902 be held contrary to the constitution of any member state, the
903 Compact shall remain in full force and effect as to the remaining
904 member states and in full force and effect as to the member state
905 affected as to all severable matters.

906 **SECTION 14.**

907 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

908 A. Nothing in this Compact prevents the enforcement of any
909 other law of a member state that is not inconsistent with the
910 Compact.

911 B. All laws in a member state in conflict with the Compact
912 are superseded to the extent of the conflict.

913 C. All lawful actions of the Commission, including all rules
914 and bylaws promulgated by the Commission, are binding upon the
915 member states.

916 D. All agreements between the Commission and the member
917 states are binding in accordance with their terms.

918 E. In the event any provision of the Compact exceeds the
919 constitutional limits imposed on the legislature of any member
920 state, the provision shall be ineffective to the extent of the
921 conflict with the constitutional provision in question in that
922 member state.

923 **SECTION 2.** Section 73-38-3, Mississippi Code of 1972, is
924 amended as follows:

925 73-38-3. The following definitions apply as used in this
926 chapter, unless the context otherwise requires:

927 (a) "Board" means the Mississippi State Board of
928 Health.

929 (b) "Council" means the Mississippi Council of Advisors
930 in Speech-Language Pathology and Audiology as established in
931 Section 73-38-11.

932 (c) "Person" means any individual, organization or
933 corporate body, except that only an individual may be licensed
934 under this chapter or hold the privilege to practice.

935 (d) "Speech-language pathologist" means an individual
936 who practices speech-language pathology and who presents himself
937 or herself to the public by any title or description of services
938 incorporating the words "speech pathologist," "speech-language
939 pathologist," "speech therapist," "speech correctionist," "speech
940 clinician," "language pathologist," "language therapist,"
941 "logopedist," "communicologist," "voice therapist," "voice
942 pathologist," or any similar title or description of services.

943 (e) "Speech-language pathology" means the application
944 of principles, methods and procedures for the measurement,
945 testing, evaluation, prediction, counseling, instruction,
946 habilitation or rehabilitation related to the development and
947 disorders of speech, voice, language, swallowing or feeding, or
948 for the purpose of evaluating, preventing, ameliorating or

949 modifying such disorders and conditions in individuals and/or
950 groups of individuals.

951 (f) "Audiologist" means an individual who practices
952 audiology and who presents himself or herself to the public by any
953 title or description of services incorporating the words
954 "audiologist," "hearing clinician," "hearing therapist," or any
955 similar title or description of service.

956 (g) "Audiology" means the application of principles,
957 methods and procedures of measurement, testing, evaluation,
958 prediction, consultation, counseling, instruction, habilitation or
959 rehabilitation related to disorders of hearing and balance for the
960 purpose of evaluating, identifying, preventing, ameliorating or
961 modifying such disorders and conditions in individuals and/or
962 groups of individuals; and for the purpose of this subsection the
963 words "habilitation" and "rehabilitation" include, but are not
964 limited to, hearing aid dispensing and evaluation, and auditory
965 training, and speech reading.

966 (h) "Speech-language pathology aide" means an
967 individual who meets minimum qualifications which the council may
968 establish for speech-language pathology aides, which
969 qualifications shall be less than those established by this
970 chapter as necessary for licensure as a speech-language
971 pathologist, and who works under the supervision of a licensed
972 speech-language pathologist or a speech-language pathologist who
973 holds the privilege to practice.

974 (i) "Audiology aide" means an individual who meets
975 minimum qualifications which the council may establish for
976 audiology aides, which qualifications shall be less than those
977 established by this chapter as necessary for licensure as an
978 audiologist, and who works under the supervision of a licensed
979 audiologist or an audiologist who holds the privilege to practice.

980 (j) "ASHA" means the American Speech-Language-Hearing
981 Association.

982 (k) "Privilege to practice" means the authorization to
983 practice as a speech-language pathologist or audiologist in this
984 state or work as a speech-language pathology aide or audiology
985 aide in this state under the Audiology and Speech-Language
986 Pathology Interstate Compact provided for in Section 1 of this
987 act.

988 (l) "Licensee" means a person who has been issued a
989 license to practice as a speech-language pathologist or
990 audiologist in this state or work as a speech-language pathology
991 aide or audiology aide in this state, or a person who holds the
992 privilege to practice as a speech-language pathologist or
993 audiologist in this state.

994 **SECTION 3.** Section 73-38-5, Mississippi Code of 1972, is
995 amended as follows:

996 73-38-5. (1) Licensure or the privilege to practice shall
997 be granted either in speech-language pathology or audiology
998 independently. A person may be licensed or hold the privilege to

999 practice in both areas if he or she meets the respective
1000 qualifications.

1001 (2) No person shall practice or represent himself or herself
1002 as a speech-language pathologist or audiologist in this state
1003 unless he or she is licensed in accordance with the provisions of
1004 this chapter or holds the privilege to practice.

1005 **SECTION 4.** Section 73-38-7, Mississippi Code of 1972, is
1006 amended as follows:

1007 73-38-7. Nothing in this chapter shall be construed as
1008 preventing or restricting:

1009 (a) A physician from engaging in the practice of
1010 medicine in this state, or a person using an audiometer to test
1011 hearing under the direct supervision of a licensed physician,
1012 provided such person does not present himself or herself to the
1013 public by any title or description of services incorporating the
1014 words "audiologist," "hearing clinician," "hearing therapist," or
1015 any similar title or description of services;

1016 (b) Any person licensed as a hearing aid dispenser from
1017 measuring and testing hearing in relation to the fitting, usage
1018 and dispensing of hearing aids or rendering post fitting services
1019 to his or her clients or using any title provided in Sections
1020 73-14-1 through 73-14-47;

1021 (c) Any person licensed in this state by any other law
1022 from engaging in the profession or occupation for which he or she
1023 is licensed;

1024 (d) A person from being employed or working in a
1025 volunteer capacity without a license, as provided in this chapter,
1026 or without holding the privilege to practice, as a speech-language
1027 pathologist or audiologist by the government of the United States
1028 or by the governing authority of any school district or private or
1029 parochial school in this state, if such person performs
1030 speech-language pathology or audiology services solely within the
1031 confines or under the jurisdiction of the organization by which he
1032 or she is employed, or working in a volunteer capacity; however,
1033 such person may, without obtaining a license under this chapter or
1034 holding the privilege to practice, consult with or disseminate his
1035 or her research findings and other scientific information to
1036 speech-language pathologists and audiologists outside the
1037 jurisdiction of the organization by which he or she is employed;
1038 such person may also offer lectures to the public for a fee,
1039 monetary or other, without being licensed under this chapter or
1040 holding the privilege to practice; such person may additionally
1041 elect to be subject to this chapter;

1042 (e) The activities and services of persons pursuing a
1043 course of study leading to a degree in speech-language pathology
1044 at a college or university if such activities and services
1045 constitute a part of the supervised course of study and that such
1046 person is designated speech-language pathology intern,
1047 speech-language pathology trainee, or by other such titles clearly
1048 indicating the training status appropriate to his or her level of
1049 training;

1050 (f) The activities and services of a person pursuing a
1051 course of study leading to a degree in audiology at a college or
1052 university if such activities and services constitute a part of a
1053 supervised course of study and such person is designated audiology
1054 intern, audiology trainee, or by any other such titles clearly
1055 indicating the training status appropriate to his or her level of
1056 training;

1057 (g) The performance of speech-language pathology or
1058 audiology services in this state by any person not a resident of
1059 this state who is not licensed under this chapter or does not hold
1060 the privilege to practice, if such services are performed for no
1061 more than five (5) days in any calendar year and in cooperation
1062 with a speech-language pathologist or audiologist licensed under
1063 this chapter or holding the privilege to practice, and if such
1064 person meets the qualifications and requirements for application
1065 for licensure described in subsections (a) through (c) of Section
1066 73-38-9 or the requirements for holding the privilege to practice;
1067 however, a person not a resident of this state who is not licensed
1068 under this chapter or does not hold the privilege to practice, but
1069 who is licensed under the law of another state which has
1070 established licensure requirements at least equivalent to those
1071 established by Section 73-38-9, or who is the holder of the ASHA
1072 Certificate of Clinical Competence in Speech-Language Pathology or
1073 Audiology or its equivalent, may offer speech-language pathology
1074 or audiology services in this state for no more than thirty (30)
1075 days in any calendar year if such services are performed in

1076 cooperation with a speech-language pathologist or audiologist
1077 licensed under this chapter or holding the privilege to practice;
1078 or

1079 (h) Any person employed by a private industry or firm
1080 for the purpose of conducting hearing tests incident to the
1081 operations of such firm or industry relative to its employees and
1082 employment practices.

1083 **SECTION 5.** Section 73-38-9, Mississippi Code of 1972, is
1084 amended as follows:

1085 73-38-9. (1) To be eligible for licensure by the board as a
1086 speech-language pathologist or audiologist and to be eligible for
1087 registration as a speech-language pathology aide or audiology
1088 aide, a person shall:

1089 (a) Be of good moral character;

1090 (b) (1) For speech-language pathologists or
1091 audiologists, possess at least a master's degree or its equivalent
1092 in the area of speech-language pathology or audiology, as the case
1093 may be, from an educational institution recognized by the board;

1094 (2) For speech-language pathology aide or
1095 audiology aide, the board shall set minimum educational standards
1096 which shall be less than a bachelor's degree;

1097 (c) For speech-language pathologists and audiologists,
1098 submit evidence of the completion of the educational, clinical
1099 experience and employment requirements, which requirements shall
1100 be based on appropriate national standards and prescribed by the
1101 rules and regulations adopted pursuant to this chapter;

1102 (d) For speech-language pathologists and audiologists
1103 licensure applicants, pass an examination approved by the board.
1104 This examination may be taken either before or after the
1105 completion of the employment requirement specified pursuant
1106 to * * * paragraph (c) of this subsection;

1107 (e) For speech-language pathology aides and audiology
1108 aides, no examination shall be required.

1109 (2) To be eligible for the privilege to practice, applicants
1110 must meet the requirements set out in the Audiology and
1111 Speech-Language Pathology Interstate Compact.

1112 **SECTION 6.** Section 73-38-13, Mississippi Code of 1972, is
1113 brought forward as follows:

1114 73-38-13. (1) The board shall have full authority to
1115 investigate and evaluate each and every applicant applying for a
1116 license to practice speech-language pathology or a license to
1117 practice audiology with the advice of the council.

1118 (2) The board shall have the authority to issue subpoenas,
1119 examine witnesses and administer oaths, and shall, at its
1120 discretion, investigate allegations or practices violating the
1121 provisions of this chapter.

1122 (3) The board shall adopt such rules and regulations not
1123 inconsistent with the laws of this state as may be necessary to
1124 effectuate the provisions of this chapter and may amend or repeal
1125 the same as may be necessary for such purposes, with the advice of
1126 the council.

1127 (4) The conferral or enumeration of specific powers
1128 elsewhere in this chapter shall not be construed as a limitation
1129 of the general functions conferred by this section.

1130 **SECTION 7.** Section 73-38-17, Mississippi Code of 1972, is
1131 amended as follows:

1132 73-38-17. (1) The board shall issue licenses and privileges
1133 to practice and notices of renewal, revocation, suspension or
1134 reinstatement and shall publish annually the names of persons
1135 licensed under this chapter or holding the privilege to practice.

1136 (2) The board shall publish and disseminate to all
1137 licensees, in an appropriate manner, the licensure standards
1138 prescribed by this chapter, any amendments thereto, and such rules
1139 and regulations as the board may adopt under the authority vested
1140 by Section 73-38-13 within sixty (60) days of their adoptions.

1141 (3) The board shall administer the privilege to practice in
1142 accordance with the Audiology and Speech-Language Pathology
1143 Interstate Compact.

1144 **SECTION 8.** Section 73-38-25, Mississippi Code of 1972, is
1145 amended as follows:

1146 73-38-25. (1) The board shall issue a license to any person
1147 who meets the requirements of this chapter and who pays to the
1148 board the fees prescribed in Section 73-38-31. The board shall
1149 issue a privilege to practice to any person who meets the
1150 requirements of the Audiology and Speech-Language Pathology
1151 Interstate Compact.

1152 (2) (a) An applicant who fulfills all the requirements for
1153 licensure except professional employment and/or examination may
1154 apply to the board for a temporary license.

1155 (b) Upon receiving an application provided under * * *
1156 paragraph (a) of this subsection, the board shall issue a
1157 temporary license which entitles the applicant to practice
1158 speech-language pathology or audiology under the supervision of a
1159 licensee with licensure in the appropriate specialty while
1160 completing the requirements for licensure.

1161 (c) No temporary license shall be issued by the board
1162 under this section unless the applicant shows to the satisfaction
1163 of the board that he or she is or will be supervised and trained
1164 by a person who holds a license in the appropriate specialty.

1165 (d) The temporary license shall be effective for a
1166 period to be determined by the * * * board.

1167 (3) (a) Each person licensed under this chapter or holding
1168 the privilege to practice who supervises a speech-language
1169 pathology or audiology aide shall register the same with the
1170 board.

1171 (b) The licensee who supervises aides or temporary
1172 licensees is responsible for the services provided to the client
1173 by * * * the aides or temporary licensees and may suffer
1174 suspension, revocation or other appropriate penalty for failure to
1175 exercise his or her responsibilities in the supervision of aides
1176 or temporary licensees.

1177 (c) Speech-language pathology and audiology aides shall
1178 pay to the board a registration fee as prescribed in Section
1179 73-38-31, subsection (1).

1180 **SECTION 9.** Section 73-38-27, Mississippi Code of 1972, is
1181 amended as follows:

1182 73-38-27. (1) With regard to a refusal to issue a privilege
1183 to practice, such refusal by the board shall be in accordance with
1184 terms of the Audiology and Speech-Language Pathology Interstate
1185 Compact. The board may refuse to issue or renew a license, or may
1186 suspend or revoke a license where the licensee or applicant for a
1187 license has been guilty of unprofessional conduct which has
1188 endangered or is likely to endanger the health, welfare or safety
1189 of the public. Such unprofessional conduct may result from:

1190 (a) Negligence in the practice or performance of
1191 professional services or activities;

1192 (b) Engaging in dishonorable, unethical or
1193 unprofessional conduct of a character likely to deceive, defraud
1194 or harm the public in the course of professional services or
1195 activities;

1196 (c) Perpetrating or cooperating in fraud or material
1197 deception in obtaining or renewing a license or attempting the
1198 same;

1199 (d) Being convicted of any crime which has a
1200 substantial relationship to the licensee's activities and services
1201 or an essential element of which is misstatement, fraud or
1202 dishonesty;

1203 (e) Being convicted of any crime which is a felony
1204 under the laws of this state or the United States;

1205 (f) Engaging in or permitting the performance of
1206 unacceptable services personally or by others working under the
1207 licensee's supervision due to the licensee's deliberate or
1208 negligent act or acts or failure to act, regardless of whether
1209 actual damage or damages to the public is established;

1210 (g) Continued practice although the licensee has become
1211 unfit to practice as a speech-language pathologist or audiologist
1212 due to: (i) failure to keep abreast of current professional
1213 theory or practice; or (ii) physical or mental disability; the
1214 entry of an order or judgment by a court of competent jurisdiction
1215 that a licensee is in need of mental treatment or is incompetent
1216 shall constitute mental disability; or (iii) addiction or severe
1217 dependency upon alcohol or other drugs which may endanger the
1218 public by impairing the licensee's ability to practice;

1219 (h) Having disciplinary action taken against the
1220 licensee's license in another state;

1221 (i) Making differential, detrimental treatment against
1222 any person because of race, color, creed, sex, religion or
1223 national origin;

1224 (j) Engaging in lewd conduct in connection with
1225 professional services or activities;

1226 (k) Engaging in false or misleading advertising;

1227 (1) Contracting, assisting or permitting unlicensed
1228 persons to perform services for which a license is required under
1229 this chapter;

1230 (m) Violation of any probation requirements placed on a
1231 license by the board;

1232 (n) Revealing confidential information except as may be
1233 required by law;

1234 (o) Failing to inform clients of the fact that the
1235 client no longer needs the services or professional assistance of
1236 the licensee;

1237 (p) Charging excessive or unreasonable fees or engaging
1238 in unreasonable collection practices;

1239 (q) For treating or attempting to treat ailments or
1240 other health conditions of human beings other than by speech or
1241 audiology therapy as authorized by this chapter;

1242 (r) For applying or offering to apply speech or
1243 audiology therapy, exclusive of initial evaluation or screening
1244 and exclusive of education or consultation for the prevention of
1245 physical and mental disability within the scope of speech or
1246 audiology therapy, or for acting as a speech-language pathologist
1247 or audiologist, or speech-language pathologist or audiologist aide
1248 other than under the direct, on-site supervision of a licensed
1249 speech-language pathologist or audiologist;

1250 (s) Violations of the current codes of conduct for
1251 speech-language pathologists or audiologists, and speech-language

1252 pathologist or audiologist assistants adopted by the American
1253 Speech-Language-Hearing Association;

1254 (t) Violations of any rules or regulations promulgated
1255 pursuant to this chapter.

1256 (2) The board may order a licensee to submit to a reasonable
1257 physical or mental examination if the licensee's physical or
1258 mental capacity to practice safely is at issue in a disciplinary
1259 proceeding.

1260 (3) In addition to the reasons specified in subsection (1)
1261 of this section, the board shall be authorized to suspend the
1262 license of any licensee for being out of compliance with an order
1263 for support, as defined in Section 93-11-153. The procedure for
1264 suspension of a license for being out of compliance with an order
1265 for support, and the procedure for the reissuance or reinstatement
1266 of a license suspended for that purpose, and the payment of any
1267 fees for the reissuance or reinstatement of a license suspended
1268 for that purpose, shall be governed by Section 93-11-157 or
1269 93-11-163, as the case may be. If there is any conflict between
1270 any provision of Section 93-11-157 or 93-11-163 and any provision
1271 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1272 as the case may be, shall control.

1273 **SECTION 10.** Section 73-38-29, Mississippi Code of 1972, is
1274 amended as follows:

1275 73-38-29. (1) Except as provided in Section 33-1-39,
1276 licenses issued under this chapter shall expire and become invalid
1277 at midnight of the expiration date. A person's privilege to

1278 practice in this state in accordance with this chapter shall be
1279 valid until the expiration date of that person's home state
1280 license.

1281 (2) Every person licensed under this chapter or holding the
1282 privilege to practice shall, on or before the license or the
1283 privilege to practice expiration date, pay a fee for the biennial
1284 renewal of license or the privilege to practice, in accordance
1285 with the terms of the Compact, to the board. The board may
1286 suspend the license or the privilege to practice of any person who
1287 fails to have his or her license or privilege to practice renewed
1288 by the expiration date. After the expiration date, the board may
1289 renew a license or the privilege to practice upon payment of a fee
1290 to the board. No person who requests renewal of license or the
1291 privilege to practice, whose license or privilege to practice has
1292 expired, shall be required to submit to examination as a condition
1293 to renewal, if such renewal application is made within two (2)
1294 years from the date of such expiration.

1295 (3) A suspended license or the privilege to practice is
1296 subject to expiration and may be renewed as provided in this
1297 section, but such renewal shall not entitle the licensee, while
1298 the license or the privilege to practice remains suspended and
1299 until it is reinstated, to engage in the licensed activity, or in
1300 any other conduct or activity in violation of the order or
1301 judgment by which the license or privilege to practice was
1302 suspended.

1303 (4) A license or the privilege to practice revoked on
1304 disciplinary grounds is subject to expiration as provided in
1305 subsection (1) of this section, but it may not be renewed. If
1306 such license or privilege to practice is reinstated after its
1307 expiration, the licensee, as a condition of reinstatement, shall
1308 pay a reinstatement fee in an amount equal to the fee for a
1309 license or the privilege to practice issued after the expiration
1310 date which is in effect on the last preceding regular renewal date
1311 before the date on which it is reinstated. The procedure for the
1312 reinstatement of a license that is suspended for being out of
1313 compliance with an order for support, as defined in Section
1314 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
1315 the case may be.

1316 (5) Any person who fails to renew his or her license or
1317 privilege to practice within the two (2) years after the date of
1318 its expiration may not renew it, and it may not be restored,
1319 reissued or reinstated thereafter, but such person may apply for
1320 and obtain a new license or privilege to practice if he or she
1321 meets the requirements of this chapter. With regard to a
1322 reinstatement of a privilege to practice, such reinstatement by
1323 the board shall be in accordance with the provisions of the
1324 Audiology and Speech-Language Pathology Interstate Compact.

1325 **SECTION 11.** Section 73-38-31, Mississippi Code of 1972, is
1326 amended as follows:

1327 73-38-31. (1) The board shall assess fees for the following
1328 purposes:

- 1329 (a) Initial licensing or the privilege to practice;
- 1330 (b) Renewal of licensure or the privilege to practice;
- 1331 (c) License or the privilege to practice issued after
- 1332 expiration date;
- 1333 (d) Late renewal payment penalty;
- 1334 (e) Temporary license;
- 1335 (f) Renewal of temporary license; and
- 1336 (g) Registration of aides.

1337 (2) Every person to whom a license or the privilege to

1338 practice is issued pursuant to this chapter shall, as a condition

1339 precedent to its issuance, and in addition to any application,

1340 examination or other fee, pay the prescribed initial license fee

1341 or privilege to practice fee.

1342 (3) Fees prescribed in subsection (1) of this section shall

1343 be exclusive and no municipality shall have the right to require

1344 any person licensed under this chapter or holding the privilege to

1345 practice to furnish any bond, pass any examination, or pay any

1346 license fee or privilege to practice fee or occupational tax.

1347 (4) Fees listed in subsection (1) of this section shall be

1348 commensurate to the extent feasible with the cost of fulfilling

1349 the duties of the board and council as defined by this chapter;

1350 however, no individual fee shall exceed One Hundred Dollars

1351 (\$100.00).

1352 (5) Any increase in the fees charged by the board under this

1353 section shall be in accordance with the provisions of Section

1354 41-3-65.

1355 **SECTION 12.** Section 73-38-33, Mississippi Code of 1972, is
1356 brought forward as follows:

1357 73-38-33. The board shall require the applicant for license
1358 renewal to present evidence of the satisfactory completion of
1359 continuing education requirements as determined by the board.

1360 **SECTION 13.** This act shall take effect and be in force from
1361 and after July 1, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ENACT INTO LAW THE AUDIOLOGY AND SPEECH-LANGUAGE
2 PATHOLOGY INTERSTATE COMPACT AND PROVIDE THAT THE STATE OF
3 MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES THAT JOIN IN THE
4 COMPACT; TO AMEND SECTIONS 73-38-3, 73-38-5, 73-38-7, 73-38-9,
5 73-38-17, 73-38-25, 73-38-27, 73-38-29 AND 73-38-31, MISSISSIPPI
6 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING
7 FORWARD SECTIONS 73-38-33 AND 73-38-13, MISSISSIPPI CODE OF 1972,
8 FOR POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

SS26\HB424A.J

Eugene S. Clarke
Secretary of the Senate